

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Bail Appl..No. 4009 of 2007()

CRIME NO.293/07 OF ADOOR POLICE STATION

PETITIONER :

R.DINESAN, PALAZHI, PAZHAKULAM
(SECRETARY, PAZHAKULAM SERVICE CO-OPERATIVE BANK
LTD. NO.PT 64).

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 4009 of 2007

Dated this the 3rd day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Section 409 I.P.C. He was working as the Secretary of a Co-operative Society. He had allegedly committed the offence of breach of trust and misappropriation during the financial year 2004 - 05. There was misappropriation in respect of an amount of Rs.33,000/- It is the conceded case of the prosecution that it was only a case of temporary misappropriation and the amounts have been remitted subsequently.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied in the circumstances of this case that appropriate direction under Section 438 Cr.P.C. can be issued subject, of course, to conditions, which shall ensure the interests of a fair, efficient and expeditious investigation.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 11.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 12.7.07 and 13.7.2007 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 11.7.06 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(b) If the petitioner were arrested prior to his surrender on 11.7.2006 as directed in clause (1) above, he shall be released on bail on his executing

B.A.No. 4009 of 2007

3

a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 11.7.2007.

(R. BASANT)
Judge

tm